

not in the Canyon Residential Zone. Such signs shall meet the criteria of Section 11.7.1, 11.7.2, and 11.7.4a.

7. The creation of lots between 1-3 acres in size.

10.4 Consistency with Goals and Purposes - All conditional uses permitted shall be consistent with the intents and purposes of Section 2 of this Ordinance.

10.5 Lot Area - The lot area of this district shall not be less than three acres in size, unless approved as a clustered development or as a conditional use.

10.6 Yards - Every lot shall have the following minimum yards:

Front Yard	100 feet
Rear Yard	25 feet
Side Yards	25 feet
Highway 191	See Section 11.10

10.7 Corral Setback - All corrals shall be set back 100 feet from the mean high water mark of any perennial stream. A fifteen foot wide water gap shall be permitted.

10.8 Building Height - Maximum residential building height in this district shall be 32 feet.

10.9 Off-Street Parking - Two off-street parking spaces shall be provided for each dwelling unit.

10.10 Lot Access - Access must be provided to lots not abutting a public or approved private street. The access may be in the form of an easement over the tract of land separating the lot from a public street. Minimum easement width shall be 20 feet. If the access is an easement over other land, the easement shall be irrevocable as long as the lot it serves has no other access approved by the governing body.

This lot access standard shall apply to all lots not subject to state and county subdivision review. Lots subject to such review shall meet the appropriate access requirements.

Procedure - Easements not subject to subdivision review shall be shown on a certificate of survey or described in a deed, approved by the Zoning Enforcement Agent and recorded with the County Clerk and Recorder.

SECTION 11 SUPPLEMENTARY REGULATIONS

11.1 Fencing -

See guidelines used by Montana Department of Fish, Wildlife, and Parks.

11.2 Bed and Breakfast Inns -

All bed and breakfast inns shall be subject to the following supplementary regulations:

1. The bed and breakfast inn must be the proprietor's actual residence.
2. Meals shall only be served to registered guests.
3. There shall be no alteration to the exterior of the structure which would change the character thereof. Any alteration to the exterior of the structure which is for the purpose of increasing the number of guest rooms shall be reviewed as a conditional use.
4. The number of guest rooms shall be limited to five (5).
5. One (1) parking space per guest room shall be provided, in addition to the two (2) parking spaces required for a single family dwelling unit. All parking shall be off-street.
6. No outside on site recreational facilities, such as but not limited to horse or snowmobile rental, shall be offered to guests.

11.3 Exterior Appearance Standards -

General: All structures shall be designed to be compatible with the rustic, western character of the zoning district. All structures shall be finished in earth tone colors. Refuse areas shall be screened from view by vegetation or a log structure.

Single Family
Homes:

All single family homes shall meet the following requirements:

- a) Minimum width of the main portion of any dwelling unit shall be twenty (20) feet.
- b) The pitch of the main structure shall be not less than one (1) foot of rise for every four (4) feet of horizontal run.
- c) All dwellings shall be built on permanent mortared block or concrete foundations. Adequate openings for access and ventilation shall be provided in each foundation.
- d) Metal siding shall run in a horizontal direction and shall be lapped. Wood siding may run in either a horizontal, vertical or diagonal direction.
- e) All dwelling units manufactured substantially or entirely off-site shall meet current Department of Housing and Urban Development guidelines.
- f) Fire retardant shingles shall be used.
- g) Spark arrestor screens shall be placed on fireplace and woodstove chimneys.
- h) Smoke detectors shall be installed on each level of dwelling units.
- i) Areas within 30 feet of habitable structures shall be cleared of all logs and dead vegetation. Ornamental trees and shrubs shall not touch any buildings. Trees shall not overhang roofs near chimneys and flues.

Maintenance

Buildings: Maintenance buildings shall be kept from view of the travelling public, and shall be screened from view of Highway 191 by topography, vegetation or a 200 foot setback.

11.4 View Protection Standards -

General:

The intent of these standards is to provide for the preservation of the scenic, rugged beauty of the District. The beauty of the District is an economic asset that contributes to the physical, social, cultural, recreation, aesthetic and general welfare of the District.

11.4.1 Construction on Slopes Greater Than 10% - Roads shall be designed to follow the lay of the land, to be as unobtrusive visually as possible, and to minimize cuts and fills.

Structures shall be constructed so that the highest point of the structure is

below the crestline of a hill or mountain.

11.4.2 Vegetation - Existing vegetation shall be retained where possible. On sites that include open meadows, structures shall be sited at the edges of the meadows or will be screened using the standards for the Highway 191 visual corridor.

11.4.3 Highway 191 Visual Corridor - Structures that will be located within 300 feet of U.S. Highway 191 shall be located to be as visually unobtrusive as possible. Existing vegetation and topography shall be used to provide a visual screen to passing motorists, or a vegetative screen shall be planted. As such time as a vegetative screen is planted, it shall consist of species native to the Zoning District. Berms may be included. The screen shall begin at a point 10 feet from the right-of-way and shall extend the distance necessary to provide a visual screen to passing motorists but in no case shall be required to obstruct the view from the principle use on the property.

11.4.4 Procedure - A visual screening plan shall be submitted with applications for a land use permit, conditional use permit, and/or a subdivision application. Screening shall be planted within 180 days of issuance of a land use or conditional use permit. If a permit extension is granted, the extension shall also apply to the screening requirements.

11.5 Appeals -

1. Appellant:

Appeals to the Planning and Zoning Commission may be made by any person aggrieved or affected by any decision, or any order to stop, cease, and desist, issued by the Zoning Enforcement Office in enforcing the provisions of this ordinance.

2. General Rules and Procedures for Appeals:

- a. Any appeals from the ruling of the Zoning Enforcement Office concerning the enforcement and interpretation of any provision of this chapter shall be filed with the Planning and Zoning Commission within 30 days after the date of the officer's decision thereon.
- b. All appeals and applications made to the Commission shall be in writing.
- c. All appeals and applications shall refer to the specific provisions of the district's regulation.

11.6 Similar Uses -

1. Any use or service found to be consistent following the procedure below shall be permitted.
2. The Commission shall determine that such similar uses conform to the basic characteristics and intent of the district. The Commission shall also determine that such use does not create any more offensive noise vibration, dust, heat, smoke, odor, glare or other objectionable influences, nor generate any more traffic than the minimum amount normally resulting from the other uses listed. Such similar uses shall not adversely impact wildlife, water quality, scenery or any other environmental quality more than the minimum amount normally resulting from the other uses listed.
3. When any use has been added to the district (whether as a use by right or a use with conditions) in accordance with this Section, such use shall be deemed to be listed in the Section, and shall be added thereto in the published text of this Ordinance at the first convenient opportunity.

11.7 Signs -

1. Intent. All signs shall meet the purpose of this ordinance as set forth in Section 2.1. This section shall not preempt state and federal laws about posting or no trespassing signs.
2. General. No blinking, neon, temporary or portable signs shall be permitted in the South Gallatin Zoning District. Signs shall be made of wood; be rustic in appearance; be natural, earthtone colors; and shall only be illuminated indirectly. All existing signs must be in compliance with the terms of this Ordinance within 5 years of the date of its adoption.
3. RF District.
 - (a) Cluster developments or subdivisions: One (1) identification sign per entrance, not to exceed sixteen (16) square feet or one gateway sign per entrance not to exceed 80 square feet.
 - (b) Residential Uses: One (1) identification sign, no larger than nine (9) square feet or one gateway sign per entrance not to exceed 80 square feet.
 - (c) Real Estate for sale signs: One sign per parcel, no larger than four (4) square feet.
 - (d) Dude ranches, corporate retreats, resorts and private clubs: No more than three signs per ranch, retreat, or club. Each gateway shall be no larger than 80 square feet. Each freestanding sign shall be no larger than sixteen (16) square feet.

4. Canyon Commercial District.

- (a) Two free standing wooden sign no larger than fifty (50) square feet each and no higher than 24 feet; and
- (b) An additional sign may be installed on the building and shall be no larger than fifty (50) square feet.
Signs shall pertain only to a use permitted on the premises; shall not project above the highest point of the roof; shall be integral with the building, or shall be attached flat against the building, or shall be suspended entirely beneath the canopy portion of the building; and
- (c) One gateway sign no larger than 80 square feet.
- (d) Real Estate for sale signs: One sign per parcel, no larger than four (4) square feet.

5. Canyon Residential District.

- (a) Agricultural uses: one identification sign no larger than fifteen (15) square feet or one gateway sign no larger than 80 square feet.
- (b) Bed and breakfast inn: two identification signs no larger than sixteen (16) square feet each or one

identification sign and one gateway sign no larger than 80 square feet.

- (c) Subdivisions: one (1) identification sign, not to exceed sixteen (16) square feet or one gateway sign no larger than 80 square feet.
- (d) Residential Uses: One (1) identification sign, no larger than nine (9) square feet or one gateway sign no larger than 80 square feet.
- (e) Real Estate for sale signs: One sign per parcel, no larger than four (4) square feet.

11.8 Bear Proof -

All refuse shall be stored in bear proof containers or made unavailable to bears.

11.9 Stream Setback -

There shall be a 50 foot setback from the highwater mark of the Gallatin River and the Taylor Fork. There shall be a 25 foot setback from the highwater mark of all other streams in the Zoning District. In that setback, no development or alteration of the natural environment shall be allowed. Nothing in this paragraph shall prohibit repairs or improvements to existing roads, ditches, utilities or utility lines or bank maintenance or stream stabilization measures otherwise allowable under federal or state laws.

11.10 Highway 191 Setback -

All buildings shall maintain a minimum 100' setback from Highway 191. The intent of this setback requirement is to establish a uniform 100' wide landscaped buffer between buildings and the roadway. Right-of-way widths vary along designated Highway 191. In order to establish uniform setback distances, setback requirements for individual properties will vary depending upon the width of adjacent rights-of-way widths are as follows:

- 1) The minimum setback for buildings adjacent to 60' wide rights-of-ways shall be 100'.
- 2) The minimum setback for buildings adjacent to 80' wide rights-of-ways shall 90'.
- 3) The minimum setback for buildings adjacent to 120' wide rights-of-ways shall be 70'.

- 4) The minimum setback for buildings adjacent to 160' wide rights-of-ways shall be 50'.

The following methodology shall be used to determine setback requirements for right-of-way widths other than those indicated above:

The potential road width of 60' (four travel lanes at 12' and two 6' shoulders) shall be used for all calculations. The portion of the right-of-way to be considered as a part of the entry corridor setback area is determined by subtracting half of the potential road width (30') from half of the right-of-way width. The resultant figure is then subtracted from 100 to determine the entry corridor setback requirement.

SECTION 12 NON-CONFORMING PARCELS, USES AND STRUCTURES

12.1 Intent -

Within the districts established by this ordinance or amendments thereto, there exist parcels, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under terms of this Ordinance or future amendments. It is the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the district involved. However, to avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this Ordinance, and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

12.2 Non-Conforming Parcels of Record -

In any district, notwithstanding other limitations imposed by this ordinance, structures permitted in said district may be erected on any single parcel of record on the effective date of this ordinance. A parcel of record that does not meet parcel area or parcel width requirements must still meet other requirements of the district.

12.3 Non-Conforming Uses of Land -

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as

it remains otherwise lawful, provided:

- 12.3.1 No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

Completion of a building upon which actual construction was begun prior to enactment of this ordinance shall not be deemed an enlargement of a non-conforming use.

- 12.3.2 No such non-conforming uses shall be moved in whole or in part to any portion of the parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

- 12.3.3 If any such non-conforming use of land ceases for any reason for a period of more than two years, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

- 12.3.4 No additional non-conforming structure in connection with the requirements of this ordinance shall be erected in connection with such non-conforming uses of land, unless the additional structure is in conformance with the requirements of the district in which the parcel is located.

12.4 Non-Conforming Structures -

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restriction on parcel area, parcel coverage, height, yards, its location on the parcel, or other requirements concerning the structure, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 12.4.1 No non-conforming structure may be altered or enlarged in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity. Completion of a building upon which actual construction was begun prior to enactment of this ordinance shall not be deemed an enlargement or alteration of a non-conforming structure.

- 12.4.2 Should a non-conforming structure or non-conforming portion of a structure be destroyed by catastrophic event, it may be reconstructed if it is rebuilt in substantially the same manner as it existed prior to destruction. Reconstruction of a non-conforming use does not require prior approval of the South Gallatin Zoning Commission. Any use which is not substantially the same as the original use or structure must conform with applicable provisions of this ordinance.

12.4.3 Should a non-conforming structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

12.5 Non-Conforming Uses of Structures -

If lawful use of a structure or of structures and premises exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, providing that:

12.5.1 No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed, or structurally altered, unless the use is changed to a permitted use.

12.5.2 Any non-conforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.

12.5.3 Non-conforming use of buildings, structures, or premises may be changed to another non-conforming use, provided that a conditional use permit is obtained from the South Gallatin Planning and Zoning Commission. In determining whether or not to grant the conditional use permit, the South Gallatin Planning and Zoning Commission shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.

12.5.4 Any structure, or structure and land, in or on which a non-conforming use, if superseded by a permitted use, shall thereafter conform to the regulations of the district in which it is located, and the non-conforming use may not thereafter be resumed.

12.5.5 Whenever a non-conforming use of a structure or a premises ceases, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located. The term "ceases" as used in this subsection shall mean that the activity in question has not been in operation for a period of two years.

12.5.6 Where non-conforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the non-conforming status of the land.

12.6 Repairs and Maintenance -

On any non-conforming structure or portion of the structure containing a non-conforming

use, work may be done on ordinary repairs and fixtures, wiring, plumbing, or repair or replacement of non-bearing walls, to an extent not exceeding 50 percent of the replacement value of the building in any one year, provided that such work does not increase the cubic content of the building. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any public official or other person qualified to make such a declaration.

12.7 Conditional Uses -

Conditional uses provided for under Section 12 of this Ordinance shall not be deemed a non-conforming use in the district in which it is permitted.

SECTION 13 CONDITIONAL USES

13.1 Intent -

The intent of conditional use permits is to provide for specific uses, other than those specifically permitted in each district, which may be appropriate under certain safeguards or conditions.

13.2 Conditional Use Requirements -

No structure or land may be used for any purpose in any district where such use is not a permitted use, unless such use is listed as a conditional use in that district and approval for that use is obtained through the proper procedure.

Conditional use permits shall be granted only by the South Gallatin Planning and Zoning Commission, when its findings are that:

- a. The use conforms to the objectives of the South Gallatin Development Plan and the intent of this Ordinance, and
- b. The use will not materially and substantially adversely affect nearby properties or their occupants, and
- c. The use meets density, coverage, yard, height, and all other regulations of the district in which it is to be located, unless otherwise provided for in this ordinance, and
- d. Public hearings have been held, after the required legal notices have been given and the public has been given a chance to be heard upon the matter.

13.3 Conditional Use Procedure -

13.3.1 All applications for conditional use permits shall be filed with the South Gallatin Planning and Zoning Commission, accompanied with the required filing fee.

13.3.2 The South Gallatin Planning and Zoning Commission shall then cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each application is consistent with the intent and purpose of this Ordinance. Upon receipt of a complete application, a public hearing shall be held within sixty days.

13.3.3 Upon completion of such investigation the South Gallatin Planning and Zoning Commission shall hold a public hearing to gather needed facts from all interested parties. The South Gallatin Planning and Zoning Commission may continue such hearing, if need be, to take additional information. Thereafter, the South Gallatin Planning and Zoning Commission shall either approve or deny the application. Written findings of fact shall be sent to the applicant stating either conditions of approval or reasons for denial.

13.3.4 Notice of public hearing for conditional use permits shall be published at least twice 15 days prior to the hearing in a newspaper of general circulation. Adjacent property owners shall be notified by certified mail.

13.4 Conditional Approval -

The South Gallatin Planning and Zoning Commission may make the granting of a conditional use permit subject to reasonable limitations or conditions as it may deem necessary to enhance the appearance of the property, to reduce any adverse effects on nearby property or residences, to preserve the character of the area or to make it more acceptable in other ways. The conditions may include but not be limited to the following:

- a. Special setbacks, yards, open spaces, and buffers;
- b. Fences and walls;
- c. Lighting;
- d. Regulation of signs;
- e. Regulation of vehicular ingress and egress;
- f. Regulation of time of certain activities;
- g. Landscaping and its maintenance;
- h. Time schedule of proposed development;
- i. Regulation of odors, smoke, dust, airborne particles, vibration, glare, heat, and noise;
- j. Requiring dedication of rights-of-way;
- k. Requiring improvements of rights-of-way;
- l. Regulation of placement of uses on the property;
- m. Regulation of height;
- n. Regulation of the nature and extent of the use;
- o. Regulation of the length of time the use may be permitted.

13.5 Security -

The South Gallatin Planning and Zoning Commission may require bonds, cash deposits, and/or other guarantees in order to secure compliance with conditions imposed.

13.6 Expiration -

All conditional use permits issued for a definite term shall automatically expire at the end of the term.

13.7 Authorized Use -

For the purpose of this ordinance, a conditional use permittee shall not be considered as engaging in the authorized use on the site until the following conditions are satisfied:

- a. Buildings proposed for construction in connection with the proposed use are in the process of actual construction on the site, or
- b. If remodeling proposed for existing buildings in connection with the proposed use has actually begun on the site, or
- c. If no construction or remodeling is contemplated, then the permittee must be regularly engaged on the site in performing the services or in selling the goods, materials, or stocks in trade of the use, and has secured all necessary federal, state, and local permits and licenses.

13.8 Revocation or Modification of Conditional Use Permits -

13.8.1 A conditional use permit may be revoked or modified by the South Gallatin Planning and Zoning Commission.

13.8.2 A permit may be revoked or modified only under the following circumstances:

- a. A substantial change of conditions has occurred from the time that the permit was granted; and
- b. Revocation or modification is necessary to protect the health, safety, and welfare of the area in which the property is located or the residents of the county and to preserve the integrity of existing use patterns in the area in which the property is situated; and
- c. The person holding the permit has not materially changed his position by detrimentally relying on the permit; or
- d. If the person holding the permit has not complied with the conditions

of the permit.

13.8.3 The same procedures for the consideration of an application for a conditional use permit shall be used for consideration of modification or revocation.

13.9 Conformance -

No conditional use permit shall be issued unless in conformance with this Ordinance. Permits issued on the basis of plans and specifications approved by the South Gallatin Planning and Zoning Commission or Zoning Enforcement Agent only authorize the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement or construction. A use, arrangement, or construction at variance with that authorized through the land use permit shall be a violation of this Ordinance.

13.10 Permits: Extensions -

13.10.1 No later than thirty (30) days prior to the expiration of the conditional use permit, the permit holder may file written application with the South Gallatin Planning and Zoning Commission requesting an extension of time and setting forth the reasons for such request. Each application shall be accompanied by the non-refundable fee as adopted by the South Gallatin Planning and Zoning Commission.

13.10.2 Within five (5) days of receiving the application for extension, the South Gallatin Planning and Zoning Commission shall mail a notice of the application to persons, or their successors in interest of record in the County Clerk and Recorder's office, who received mailed notice of the original application. The notice shall inform the recipients that any person objecting to the extension shall, within fifteen (15) calendar days from the date the notice was mailed, notify the Zoning Commission of the objection.

13.10.3 If any objection is received from those notified, the procedures under Section 13.3 shall be followed.

13.10.4 If no objection is received, the South Gallatin Planning and Zoning Commission may extend the permit for a period equivalent to the original period for which granted, or for one (1) year, whichever is shorter.

13.10.5 An extension may be granted only upon a finding of fact by the South Gallatin Planning and Zoning Commission that there has been no material and significant change of circumstances which would have been grounds for denying the original application.

13.10.6 The South Gallatin Planning and Zoning Commission shall consider a request for extension only once at the end of the approval period.